

## COMBINED DECLARATION AND POWER OF ATTORNEY

As below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled INTESTINAL TREFOIL PROTEINS, the specification of which

☐ is attached hereto.

☒ was filed on May 17, 1999 as Application Serial No. 09/313,434  
and was amended on \_\_\_\_\_.

☐ was described and claimed in PCT International Application No. \_\_\_\_\_  
filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

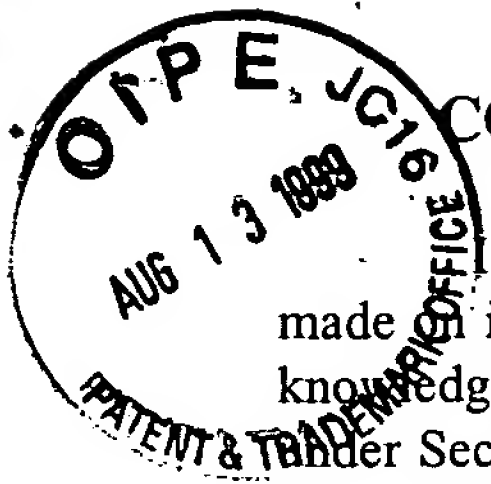
U.S. SERIAL NO.	FILING DATE	STATUS
<u>08/631,469</u>	<u>April 12, 1996</u>	<input checked="" type="checkbox"/> Pending <input type="checkbox"/> Issued <input type="checkbox"/> Abandoned
<u>08/191,352</u>	<u>February 2, 1994</u>	<input checked="" type="checkbox"/> Pending <input type="checkbox"/> Issued <input type="checkbox"/> Abandoned
<u>08/037,741</u>	<u>March 25, 1993</u>	<input checked="" type="checkbox"/> Pending <input type="checkbox"/> Issued <input type="checkbox"/> Abandoned
<u>07/837,192</u>	<u>February 13, 1992</u>	<input checked="" type="checkbox"/> Pending <input type="checkbox"/> Issued <input type="checkbox"/> Abandoned
<u>07/655,965</u>	<u>February 14, 1991</u>	<input type="checkbox"/> Pending <input type="checkbox"/> Issued <input checked="" type="checkbox"/> Abandoned

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Anita L. Meiklejohn, Reg. No. 35,283; Lee Crews, Reg. No. 43,567; Janis K. Fraser, Reg. No. 34,819; John W. Freeman, Reg. No. 29,066; Timothy A. French, Reg. No. 30,175; and Eldora L. Ellison, Reg. No. 39,967.

Address all telephone calls to Anita L. Meiklejohn at telephone number 617/542-5070.

Address all correspondence to Anita L. Meiklejohn, Fish & Richardson P.C., 225 Franklin Street, Boston, MA 02110-2804.

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COMBINED DECLARATION AND POWER OF ATTORNEY CONTINUED

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name of Inventor: Daniel K. Podolsky

Inventor's Signature: [Signature]

Date: 7.8.99

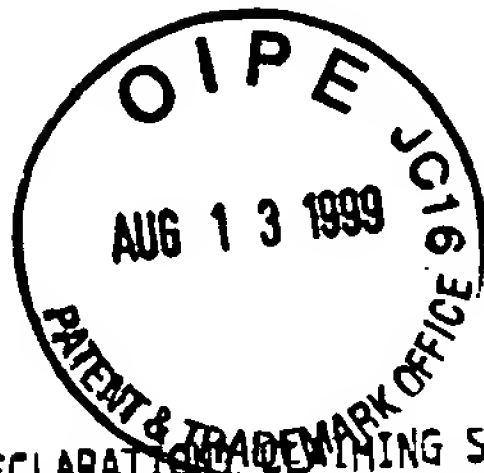
Residence Address: Wellesley Hills, MA

Citizen of: United States

Post Office Address: 157 Edmunds Road, Wellesley Hills, MA 02481

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Applicant or Patentee: Daniel K. Podolsky  
 Serial or Patent No.: 09/313,434  
 Filed or Issued: May 17, 1999  
 For: INTESTINAL TREFOIL PROTEINS



ATTORNEY DOCKET NO. 00786/132001

VERIFIED STATEMENT (DECLARATION) CONCERNING SMALL ENTITY STATUS  
 (37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: The GI Company, LLC

Address of Small Business Concern: 157 Edmunds Road, Wellesley, Massachusetts 02481

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled INTESTINAL TREFOIL PROTEINS by inventor(s) Daniel K. Podolsky described in

- ☐ the specification filed herewith.  
☒ application serial no. 09/313,434, filed May 17, 1999.  
☐ patent no. , issued .

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention according to their status as small entities. (37 CFR 1.27)

Full Name: The General Hospital Corporation

Address: 55 Fruit Street, Boston, Massachusetts, 02114

- ☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☒ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status when any new rule 53 application is filed or prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent on which this verified statement is directed.

Name: Daniel K. Podolsky, M.D.

Title: Managing Principal, The GI Company, LLC

Address: 157 Edmunds Road, Wellesley, Massachusetts 02481

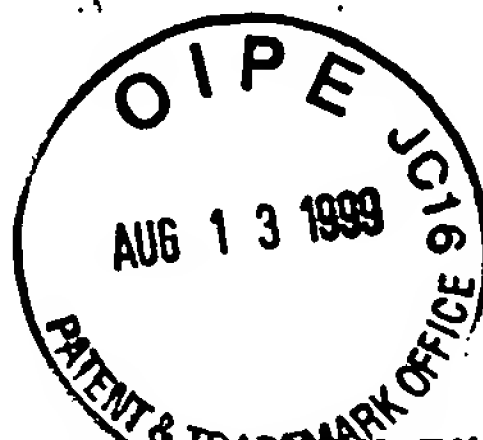
Signature: [Signature]

Date: 8/10/1999

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ATTORNEY DOCKET NO. 00786/432001

Applicant or Patentee: Daniel K. Podolsky  
Serial or Patent No.: 09/313,434  
Filed or Issued: May 17, 1999  
For: INTESTINAL TREFOIL PROTEINS

VERIFIED STATEMENT (DECLARATION) REGARDING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: The General Hospital Corporation  
Address of Organization: 55 Fruit Street, Boston, Massachusetts 02114  
Type of Organization:

- ☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
☒ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3))  
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
(NAME OF STATE: )  
(CITATION OF STATUTE: )  
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3)) IF  
LOCATED IN THE UNITED STATES OF AMERICA  
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF  
AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
(NAME OF STATE: )  
(CITATION OF STATUTE: )

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled INTESTINAL TREFOIL PROTEINS by inventor(s) Daniel K. Podolsky described in

- ☐ the specification filed herewith.  
☒ application serial no. 09/313,434, filed May 17, 1999.  
☐ patent no. , issued .

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Full Name: The GI Company, LLC

Address: 157 Edmunds Road, Wollensley, Massachusetts, 02481

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status when any new rule 53 application is filed or prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name: David J. Glass, Ph.D.

Title: Associate Director for Patents, Office of Technology Affairs, Massachusetts General Hospital

Address: Thirteenth Street, Building 149, Suite 1101, Charlestown, Massachusetts 02129

Signature: [Signature]

Date: 8/10/99